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PILOT TRAVEL CENTERS, LLC

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SHARON COONS, an Individual,  
Plaintiff,  
vs.

PILOT TRAVEL CENTERS, a Limited  
Liability Corporation; KARL  
SALISBURY, an Individual; and DOES  
1-25, Inclusive,  
Defendants.

Case No. 2:20-CV-02063-MCE-KJN

Assigned for All Purposes to:  
Hon. Judge Morrison C. England, Jr.

**JOINT STIPULATION TO AMEND  
INITIAL PRETRIAL SCHEDULING  
ORDER AND ORDER**

Complaint Filed: October 16, 2020  
Trial Date: Not Set

Pursuant to Fed. R. Civ. P. 16(b)(4), Fed. R. Civ. P. 6(b), L.R. 143(a)(1), and  
L.R. 144(a), plaintiff SHARON COONS (hereinafter "Plaintiff") and defendant

1 PILOT TRAVEL CENTERS, LLC (hereinafter “Defendant”), through their  
 2 respective counsel of record (hereinafter collectively the “Parties”), jointly submit  
 3 the following stipulation to amend the October 16, 2020 Scheduling Order (Doc. No.  
 4 4), to continue discovery deadlines to complete discovery and complete mediation.

### 5 **I. SYNOPSIS OF CASE**

6 On or about July 9, 2020, Plaintiff filed a civil complaint against Defendant in  
 7 the Superior Court of California, County of Yolo, Case No. P020-937. Declaration  
 8 of Ryan L. Rystad (“Rystad Decl.”), ¶ 2; Exh. A; Plaintiff’s complaint. Plaintiff  
 9 alleges that on January 24, 2019, she was lawfully on Defendant’s property located  
 10 at 30035 Rd. 8, Dunningan, California, when she stripped and fell over a hose that  
 11 was being negligently used by Defendant’s employee, sustaining personal injuries.  
 12 Rystad Decl., ¶ 2-3; Exh. A; Plaintiff’s complaint; pp. 3-4.

13 On October 15, 2020, Defendant filed a Notice of Removal, pursuant to 28  
 14 U.S.C. §§ 1332, 1441, and 1446. Doc. No. 1. On October 15, 2020, Defendant filed  
 15 its Answer. Doc. No. 5.

#### 16 **A. Discovery & New Counsel**

17 On March 9, 2021, Plaintiff served her responses to Defendant’s Special  
 18 Interrogatories, Set One, and Request for Production of Documents, Set One. Rystad  
 19 Decl., ¶ 6. On July 26, 2021, Defendant served a Notice of Deposition of Plaintiff  
 20 with Request for Production of Documents, set for August 12, 2021, at 10:00 a.m.  
 21 Rystad Decl., ¶ 7; Defendant’s Notice of Plaintiff’s Deposition; Exh. B. However,  
 22 Plaintiff was not deposed. Rystad Decl., ¶ 8.

23 Approximately on August 5, 2021, Defendant’s counsel was notified by an  
 24 attorney from Sherman Oaks that she also was representing Sharon Coons, despite  
 25 no Association of Attorney or Substitution of Attorney being filed with the Court.  
 26 Ibid. Defendant’s counsel requested an Association of Attorney or Substitution of  
 27 Attorney to communicate further regarding privileged or otherwise confidential  
 28

1 information. Ibid. However, no applicable Association of Attorney or Substitution  
2 of Attorney was filed on behalf of the Sherman Oaks based attorney. Ibid.

3 During this same time period, from approximately August 23, 2021 to  
4 September 9, 2021, Defendant's counsel was contacted by a Los Angeles attorney  
5 requesting to discuss the matter. Rystad Decl., ¶ 9. However, again Defendant's  
6 counsel requested an Association of Attorney or Substitution of Attorney to be filed  
7 with the Court prior to engaging in any substantive discussions of privileged or  
8 otherwise confidential information. Ibid.

9 On March 24, 2022, Defendant's counsel called Ms. Laiken, Plaintiff's  
10 counsel of record, and left a voicemail to determine if she was still handling the case.  
11 Rystad Decl., ¶ 10. On April 6, 2022, Defendant's counsel spoke to Guadalupe at  
12 Ms. Laiken's office who informed us that Ms. Laiken had filed a Substitution of  
13 Attorney although no such document was filed with the Court. Rystad Decl., ¶ 11.

14 On May 16, 2022, a Substitution of Attorney and Proposed Order was filed by  
15 Matthew R. Price of Law Offices of Brent A. Duque on behalf of Plaintiff. Doc. No.  
16 10. On May 25, 2022, the Consent Order Granting Substitution of Attorney was  
17 entered. Doc. No. 11. Since the recent substitution of Mr. Price in the matter, both  
18 Parties met and conferred on Plaintiff's past and future recommended treatment,  
19 deposing Plaintiff during the month of August 2022, and setting mediation to  
20 determine if the Parties can resolve the matter. Rystad Decl., ¶ 14.

## 21 **II. STIPULATION OF PARTIES TO CONTINUE ALL DISCOVERY** 22 **DATES BASED ON GOOD CAUSE**

23 The Parties stipulate to a short continuance of the discovery deadlines in order  
24 to allow sufficient time for the Parties to complete necessary discovery and mediation  
25 prior to advancing to trial. Fed. R. Civ. P. 16(b)(4) provides that "[a] schedule may  
26 be modified only for good cause and with the judge's consent." Moreover, pursuant  
27 to the October 16, 2020 Scheduling Order, it states:  
28

“The parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the Initial Pretrial Scheduling Order shall not be modified except by leave of court upon a showing of **good cause**. Agreement by the parties pursuant to stipulation alone to modify the Initial Pretrial Scheduling Order does not constitute good cause. Except in extraordinary circumstances, unavailability of witnesses or counsel will not constitute good cause.”

In the present matter, good cause exists for the extension because the Parties need additional time to complete necessary discovery and mediation. Rystad Decl., ¶ 14. Due to inadvertent delays in Plaintiff obtaining new counsel, the Parties respectfully request a short continuance to adequately prepare the matter for resolution. Ibid. The Court has not granted any previous extensions. Ibid. A short continuance of all deadlines will allow the Parties to conclude written discovery, complete any necessary deposition, including that of Plaintiff, and finalize any additional expert related discovery. Ibid.

With the requested continuance, the Parties will continue to negotiate while conducting discovery to determine if the Parties can settle the matter. Ibid. To this end, the Parties stipulate and respectfully propose an extension to complete discovery and complete mediation, as follows:

Event	New Date & Time
Non-expert discovery deadline:	January 20, 2023
Expert Disclosures deadline:	March 21, 2023 <sup>1</sup>
Supplemental Expert Disclosures deadline:	April 20, 2023 <sup>2</sup>
Dispositive Motion Deadline:	July 19, 2023 <sup>3</sup>
Settlement Conference:	None Set

<sup>1</sup> Sixty (60) days after January 20, 2023 is March 21, 2023.

<sup>2</sup> Thirty (30) days after March 21, 2023 is April 20, 2023.

<sup>3</sup> One hundred eighty (180) days after close of non-expert discovery on January 20, 2023 is July 19, 2023.

Joint Notice of Trial Readiness  
deadline:

Not sooner than May 22, 2023 if no  
dispositive motion filed<sup>4</sup>

For these reasons, the Parties stipulate to amend the current discovery deadlines and respectfully request the Court amend the current Initial Pretrial Scheduling Order accordingly.

**IT IS SO STIPULATED.**

DATED: July 25, 2022

LAW OFFICES OF BRENT A. DUQUE, APC

By: /s/ Matthew R. Price

Matthew R. Price

Attorneys for Plaintiff SHARON COONS

DATED: July 25, 2022

MANNING GROSS + MASSENBURG, LLP

By: /s/ Ryan L. Rystad

Tina Broccardo Van Dam

Ryan L. Rystad

Attorneys for Defendant PILOT TRAVEL  
CENTERS, LLC..

<sup>4</sup> Approximately thirty (30) days after the close of supplemental expert discovery on April 20, 2023 if no dispositive motion is filed.


**ORDER**

Based on the foregoing, stipulation, and for good cause shown, IT IS HEREBY ORDERED that the Initial Pretrial Scheduling Order is MODIFIED, as follows:

Event	New Date & Time
Non-expert discovery deadline:	January 20, 2023
Expert Disclosures deadline:	March 21, 2023
Supplemental Expert Disclosures deadline:	April 20, 2023
Dispositive Motion Deadline:	July 19, 2023
Settlement Conference:	None Set
Joint Notice of Trial Readiness deadline:	Not sooner than May 22, 2023 if no dispositive motion filed

**IT IS SO ORDERED.**

Dated: July 27, 2022

  
MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE